

Exhibit U

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION

4 _____
5)
6) Civil Action No.
7) 5:16-cv-10444-JEL-MKM
8 In re: FLINT WATER CASES) (consolidated)
9)
10) Hon. Judith E. Levy
11) Mag. Mona K. Majzoub
12 _____)

13
14 Thursday, June 25, 2020

15 HIGHLY CONFIDENTIAL

16 VOLUME I

17 Remote videotaped deposition of
18 RICHARD D. SNYDER conducted at the location of the
19 witness in Ann Arbor, Michigan, commencing at
20 9:01 a.m., on the above date, before Carol A. Kirk,
21 Registered Merit Reporter, Certified Shorthand
22 Reporter, and Notary Public.

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9 Operating Services, LLC, Veolia North America, LLC,
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9 Francis X. Ferrara, Veolia

 Udolilim Nnamdi, Cohen Milstein

10 Melissa Mays, Plaintiff

 Jazmine Duran, Videographer

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1 A. I don't recall.

2 MR. KUHL: Objection to form.

3 Q. The switch ultimately occurred; is
4 that correct?

5 A. That's correct.

6 Q. And the switch back to DWSD
7 ultimately occurred, correct?

8 A. That's correct.

9 Q. And was it -- were you able to
10 find funds, or how did that switch occur if it
11 was a financial issue, as indicated in some of
12 these e-mails we've just reviewed?

13 A. With the switch back to DWSD, as I
14 recall, we were able to find funds and we got
15 additional private support to pay for the
16 transition back.

17 Q. What do you mean by "private
18 support"?

19 A. I believe we had some foundation
20 support.

21 Q. Governor, let's look at the next
22 exhibit, which will be Exhibit 18.

23 MR. LEOPOLD: And it's tab
24 number 24, Emmy.

1 start taking positive actions."

2 Sometime over the course of the
3 next days, weeks, or months, that became a
4 topic.

5 Q. Do you recall the date, either
6 specifically or as close to specifically as you
7 can get, when the City of Flint switched back
8 from the utilization of the Flint River as a
9 primary water source to the DWSD?

10 A. As I recall, it was in early
11 October.

12 Q. So it would be fair to say that
13 based on your testimony to Congress, if you
14 discovered on October 1, 2015 that lead
15 presented a safety issue for the people of
16 Flint, that within 30 days of that discovery,
17 that the City of Flint switched back to DWSD?

18 A. As I recall, it's shorter than
19 that. It was a relatively short time frame.

20 Q. And what was the process that was
21 required for the City of Flint to switch back to
22 DWSD, from what you can recall?

23 A. We had to go to DWSD and
24 essentially get their concurrence that they

1 would let us switch back. It was a major part
2 of that step, as I recall.

3 Q. And obviously it happened, and so,
4 you know, DWSD, in light of the circumstances,
5 permitted the City of Flint to switch back,
6 correct?

7 A. That's correct.

8 Q. Do you recall if there was a cost
9 associated with that switch from the Flint River
10 to the DWSD in October of 2015?

11 A. Yes, there was some cost, as I
12 recall.

13 Q. And do you recall who bore the
14 brunt of that cost?

15 A. I can't recall specifically. But
16 as I recollect, I believe a good -- the majority
17 of it was the Mott Foundation, that private
18 foundation I mentioned earlier. I went and
19 asked them for the money to help make the
20 switch.

21 Q. And was part of your -- and I
22 don't want to use -- I apologize for using words
23 that might sound flippant, and it's not my
24 intention. But as part of your pitch to the

1 Mott Foundation, in order to help get the money
2 for the switch, were the safety issues
3 associated with lead part of the pitch?

4 A. I don't recall the specifics.
5 Given the circumstance, I think -- when you're
6 asking from someone that kind of money, I was
7 pretty open about what the situation was. I
8 don't recall the specifics of the dialogue.

9 Q. And when it came to making the
10 request, was it you who made the request from
11 the Mott Foundation?

12 A. I believe so.

13 Q. And I know you said earlier that
14 you don't operate with hypotheticals, and so I'm
15 going to apologize in advance for this next
16 question and for what will likely be a series of
17 questions, and I'll do my best to ask them in a
18 way that won't offend you and that, perhaps,
19 you'd be willing to engage, you know, an answer
20 to the question.

21 But if in October of 2015 upon
22 realizing that there were safety issues
23 associated with lead in water in Flint, you were
24 able to procure significant funding for a switch

CERTIFICATE

I, Carol A. Kirk, a Registered Merit Reporter and Notary Public in and for the State of Michigan, duly commissioned and qualified, do hereby certify that the within-named RICHARD D. SNYDER was by me first duly sworn to testify to the truth, the whole truth, and nothing but the truth in the cause aforesaid; that the deposition then given by him was by me reduced to stenotype in the presence of said witness; that the foregoing is a true and correct transcript of the deposition so given by him; that the deposition was taken at the time and place in the caption specified and was completed without adjournment; and that I am in no way related to or employed by any attorney or party hereto or financially interested in the action; and I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28(D).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Dexter, Michigan on this 12th day of July 2020.



CAROL A. KIRK, RMR, CSR-9139

NOTARY PUBLIC - STATE OF MICHIGAN

My Commission Expires: August 19, 2022.

- - -

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2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION

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6) Civil Action No.
7) 5:16-cv-10444-JEL-MKM
8 In re: FLINT WATER CASES) (consolidated)
9)
10) Hon. Judith E. Levy
11) Mag. Mona K. Majzoub
12 _____)

13
14 Friday, June 26, 2020

15 HIGHLY CONFIDENTIAL

16 VOLUME II

17 Continued remote videotaped deposition of
18 RICHARD D. SNYDER conducted at the location of the
19 witness in Gun Lake, Michigan, commencing at
20 9:09 a.m., on the above date, before Carol A. Kirk,
21 Registered Merit Reporter, Certified Shorthand
22 Reporter, and Notary Public.

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Udolilim Nnamdi, Cohen Milstein

10 Melissa Mays, Plaintiff

Jazmine Duran, Videographer

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1 Q. Okay. Did you come to know what
2 the Flint Technical Advisory Committee was?

3 A. In that time frame, I was more
4 familiar. I don't recall all the membership or
5 who was on it at this point in time.

6 Q. All right. I'll come back to that
7 as well.

8 And then on -- in paragraph 19,
9 "The EPA found that on or about October 16,
10 2015, the city switched back to purchasing
11 finished water from Detroit, now called the
12 Great Lakes Water Authority."

13 Did I read that correctly, and is
14 it accurate?

15 A. I -- you read it properly, and I
16 believe it's accurate.

17 Q. And if I heard your testimony
18 correctly over the last day and a half, from
19 your perspective, the ultimate switch back to
20 Detroit water was initiated and completed within
21 a couple of weeks; is that right?

22 A. I believe so.

23 Q. And I think you paid particular
24 attention to Marc Edwards' study of water

1 samples from the City of Flint and also from
2 Dr. Mona Hanna-Attisha's blood lead level study
3 out of Hurley Hospital, correct?

4 A. That's correct.

5 Q. Do you remember that Marc Edwards
6 was brought into the study of Flint drinking
7 water by Miguel Del Toral?

8 A. I don't recall that.

9 Q. Did you ever come to know the
10 results of Marc Edwards' study of lead in
11 drinking water in the City of Flint?

12 A. I believe he did more than one
13 study. He did a number of studies. The one --
14 I became aware of the study that was I believe
15 published in the September time frame. It could
16 have been late August, September time frame of
17 2015.

18 He continued to do work after
19 that. Actually, I got to know Dr. Edwards. I
20 would have communications with Dr. Edwards.

21 Q. All right. Good.

22 Did you come to learn that among
23 the samples that he studied, he found at least
24 one with a lead content of -- in excess of

1 A. She was the EPA administrator.

2 Q. And this is dated October 2, 2015,
3 Friday, October 2, 2015, correct?

4 A. Yes.

5 Q. All right. And I'm just going to
6 scroll down, and I believe this was --

7 MR. COHEN: Carol, if you don't
8 have this already, I'll e-mail it to you
9 after. I don't have a Bates number on
10 it.

11 BY MR. COHEN:

12 Q. But I'm on the second page.
13 There's part of the e-mail. It goes through a
14 couple of -- a couple of topics, but a topic
15 here in the middle of the page starts, "As many
16 of you know" -- and I highlighted it. It
17 says -- "we spent a lot of time and energy this
18 past week on the drinking water situation in
19 Flint here in Region 5 and in DC. Many thanks
20 to all of you who dropped everything to help
21 shape the action plan that the State of Michigan
22 and City of Flint announced today."

23 Do you recall the action plan that
24 was announced on that date, October 2, 2015?

1 A. Yes, generally.

2 Q. Generally? What is it generally?
3 What was that?

4 A. I believe there were a number of
5 steps from doing free water testing, including
6 things -- and I may be off on some of these, but
7 free water testing. Basically offering filters.
8 I think there were five or six action items in
9 particular that we had on the list.

10 Q. What was the purpose of the action
11 plan?

12 A. To help alleviate the situation in
13 Flint, to help short term provide better water.
14 Again, if you're getting your water tested, that
15 was good to give confidence to people in the
16 community and give us better information. The
17 filters would have helped with the lead
18 situation and the quality of the water people
19 were getting, a number of those kind of items.

20 Q. So is it fair to say the purpose
21 was to protect the health of the citizens of
22 Flint?

23 A. To help protect the health, that
24 would be accurate.

1 Q. And it says here -- the next line
2 says, "EPA was thanked many times during the
3 press conference today, and it is clear (from
4 statements during the press conference and my
5 ongoing conversations with Director Wyant and
6 Mayor Walling) that they are both counting on
7 EPA to continue to provide technical assistance
8 to implement the action plan. Starting next
9 week with ORD, scientists will be participating
10 in a Technical Advisory Committee meeting
11 convened by the city and state."

12 Is that -- now, do you recall --
13 did you participate in this press conference on
14 October 2, 2015?

15 A. I don't recall specifically. I
16 would have participated in some press
17 conference, but I'm not sure if it was this one
18 specifically.

19 Q. Would you agree that EPA was being
20 counted on to provide technical assistance to
21 implement the action plan?

22 A. It appears that way, and I
23 believe -- now that you're refreshing some of my
24 recollection, I believe they were helpful in

1 that process. I know later on they were.

2 Q. And did EPA participate in the
3 formulation of that action plan?

4 A. Likely they would have been part
5 of the group that would have been meeting to
6 discuss the various items, but I can't tell you
7 specifically.

8 Q. Is that because you don't -- you
9 just don't recall specifically what their
10 participation was?

11 A. Yeah, I just don't recall who was
12 in the specific meetings and who put together
13 the detailed plan.

14 Q. All right. And then Ms. Hedman
15 goes on to say that, "Rather than characterize
16 the final action plan, I've simply inserted the
17 State of Michigan press release describing the
18 plan below."

19 And if we go down below, we -- the
20 next page -- I'm sorry. The pictures didn't
21 show up on this copy, but it's got a -- next
22 page is -- it looks like a press release,
23 "Governor Rick Snyder: Comprehensive action
24 plan will help Flint residents address water

1 concerns. Collaborative effort with state,
2 federal, and city leaders focuses on testing,
3 assistance. October 2, 2015."

4 Did I read that correctly?

5 A. Yes.

6 Q. And then it's got the context.
7 I'm sorry. For the Governor's Office, MDEQ, and
8 Michigan Department of Health and Human
9 Services, and those typically accompany a press
10 release from your office, correct?

11 A. Correct.

12 Q. And you see this press release, it
13 has on the next page a list of bullet points,
14 ten bullet points, and are these the -- from
15 your understanding, are these the ten points of
16 your action plan that was released on October 2,
17 2015?

18 A. As I mentioned -- I mentioned two
19 or three of those items, as I recall. I
20 couldn't recall all, the entire group, but now
21 that you show it, this would have been the list.

22 Q. All right. And those include --
23 one of them is, "Accelerating corrosion controls
24 in Flint drinking water system," right?

1 A. That's correct.

2 Q. It also includes, "Accelerating
3 water system improvements to address replacing
4 lead service lines," correct?

5 A. Correct.

6 Q. And then it also includes, with
7 respect to the Safe Drinking Water Technical
8 Advisory Committee, "adding an expert -- adding
9 an expert from the EPA's Office of Research and
10 Development to the group," correct?

11 A. Correct.

12 Q. All right. Let me just see if I
13 can stop this sharing.

14 Okay. Now, I want to ask you
15 about some of your prior testimony. You were
16 asked, I believe, by Mr. Campbell today about a
17 document that identified Michael Wright from the
18 EPA.

19 Do you recall that?

20 A. Generally.

21 Q. And I think it was in relationship
22 to the Flint Technical Advisory Committee.

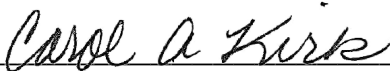
23 Do you recall that?

24 A. Yes.

CERTIFICATE

I, Carol A. Kirk, a Registered Merit Reporter and Notary Public in and for the State of Michigan, duly commissioned and qualified, do hereby certify that the within-named RICHARD D. SNYDER was by me first duly sworn to testify to the truth, the whole truth, and nothing but the truth in the cause aforesaid; that the deposition then given by him was by me reduced to stenotype in the presence of said witness; that the foregoing is a true and correct transcript of the deposition so given by him; that the deposition was taken at the time and place in the caption specified and was completed without adjournment; and that I am in no way related to or employed by any attorney or party hereto or financially interested in the action; and I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28(D).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Dexter, Michigan on this 12th day of July 2020.



CAROL A. KIRK, RMR, CSR-9139

NOTARY PUBLIC - STATE OF MICHIGAN

My Commission Expires: August 19, 2022.

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